

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA

v.

KIM DOTCOM, et al.,

Defendants

)
)
) The Honorable Liam O’Grady
)
)
) Criminal No. 1:12-CR-3
)
)
)

**MOTION OF SPECIALLY APPEARING DEFENDANT
AND INTERESTED PARTY MEGAUPLOAD LIMITED
TO FILE UNDER SEAL PORTIONS OF [PROPOSED] SUPPLEMENTAL BRIEF
REGARDING RULE 41(G) HEARING**

Pursuant to Local Rule 49(E) of the Local Criminal Rules for the United States District Court for the Eastern District of Virginia, specially appearing defendant Megaupload Limited (“Megaupload”) moves this Court for an Order sealing portions of the contemporaneously filed [PROPOSED] SUPPLEMENTAL BRIEF OF SPECIALLY APPEARING DEFENDANT AND INTERESTED PARTY MEGAUPLOAD LIMITED REGARDING RULE 41(G) HEARING (“Proposed Brief”). Specifically, Megaupload asks the Court to seal (1) those portions of the Proposed Brief that quote from the search warrant and sealing order issued in Case No. 1:10-SW-320 on June 24, 2010; (2) portions of Exhibit 1 to the Proposed Brief, which describe the contents of the search warrant issued in Case No. 1:10-SW-320; and (3) copies of the search warrant, the sealing order, and the accompanying materials issued in Case No. 1:10-SW-320, which are attached to the Proposed Brief as Exhibit 2. Megaupload seeks sealing of these materials on the grounds that the search warrant, the sealing order, and the accompanying materials are subject to an existing sealing order signed by Magistrate Judge Ivan D. Davis in Case No. 1:10-SW-320 on June 24, 2010. A redacted version of the Proposed Brief has been

publicly filed, and an unredacted version of the Proposed Brief has been filed under seal with this motion pursuant to Local Criminal Rule 49(E).

Because the information for which sealing is sought is subject to existing sealing orders, no additional justification is necessary. *See* Local Criminal Rule 49(F). Megaupload has considered alternatives less drastic than sealing and, although it believes that the cited materials should be unsealed, has determined that no less drastic option that is consistent with existing sealing orders is available. Pursuant to Local Rule 49(D)(4), Megaupload's Proposed Brief and exhibits should remain sealed until the Court orders the referenced portions and exhibit unsealed.

Respectfully submitted,

Ira P. Rothken
ROTHKEN LAW FIRM
3 Hamilton Landing
Suite 280
Novato, CA 94949
(415) 924-4250
(415) 924-2905 (fax)
ira@techfirm.net

/s/ Heather H. Martin
William A. Burck
Derek L. Shaffer
Heather H. Martin (VSB # 65694)
QUINN EMANUEL URQUHART &
SULLIVAN LLP
1299 Pennsylvania Avenue N.W., Suite 825
Washington, D.C. 20004
(202) 538-8000
(202) 538-8100 (fax)
williamburck@quinnemanuel.com
derekshaffer@quinnemanuel.com
heathermartin@quinnemanuel.com

Carey R. Ramos
Robert L. Raskopf
Andrew H. Schapiro
QUINN EMANUEL URQUHART &
SULLIVAN LLP
51 Madison Avenue, 22nd Floor
New York, N.Y. 10010
(212) 849-7000
(212) 849-7100
careyramos@quinnemanuel.com
robertraskopf@quinnemanuel.com
andrewschapiro@quinnemanuel.com

Counsel for Defendant Megaupload Limited

CERTIFICATE OF SERVICE

I hereby certify that on January 2, 2013, the foregoing MOTION OF SPECIALLY APPEARING DEFENDANT AND INTERESTED PARTY MEGAUPLOAD LIMITED TO FILE UNDER SEAL PORTIONS OF [PROPOSED] SUPPLEMENTAL BRIEF REGARDING RULE 41(G) HEARING, was filed and served electronically by the Court's CM/ECF system upon all registered users.

/s/ Heather H. Martin
Heather H. Martin (VSB # 65694)
QUINN EMANUEL URQUHART &
SULLIVAN LLP
1299 Pennsylvania Avenue N.W., Suite 825
Washington, D.C. 20004
(202) 538-8000
(202) 538-8100 (fax)
heathermartin@quinnemanuel.com